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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Richard A Leslie Co., Inc.,

Plaintiff.

DECLARATION OF JULES BRAUN

V.

07-cv-5933 (LAK)

Birdie, LLC, and Golfsmith International Holdings, Inc.,

Defend	lants.	
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- I, Jules Braun, hereby declare the following:
- From approximately 1987 to the present, I have been familiar with the Richard A. Leslie Co., Inc. and its products. Originally, I became aware of Richard A. Leslie Co., Inc. and its products after seeing Richard A. Leslie Co., Inc. displays at trade shows and through other industry channels.
- 2. Richard A. Leslie Co., Inc. displayed and sold "Birdie" branded golf jackets at each and every trade show at which I saw Richard A. Leslie Co., Inc. I understood "Birdie" to be Richard A. Leslie Co., Inc.'s brand of golf jacket.
- From approximately 1998 or 1999 to approximately March, 2007, I was a sales representative for Richard A. Leslie Co., Inc.
- At all times during which I was a sales representative for Richard A. Leslie Co. 4. Inc., Richard A. Leslie Co., Inc. sold sport type jackets, e.g., cotton, casual-collared golf jackets. These golf jackets contained labels bearing the mark "Birdie".
  - 5. At all times during which I was a sales representative for Richard A. Leslie Co.

Inc., my customers included, among others, retail sporting goods stores. I estimate that at least 15-20% of the customer accounts I serviced for Richard A. Leslie Co., Inc. were retail sporting goods stores.

- 6. At all times during which I was a sales representative for Richard A. Leslie Co., Inc., Richard A. Leslie Co., Inc., I regularly visited with Richard A. Leslie Co., Inc. customers and spoke regularly by telephone with Richard A. Leslie Co., Inc. customers.
- 7. At all times during which I was a sales representative for Richard A. Leslie Co., Inc., Richard A. Leslie Co., Inc.'s customers referred to Richard A. Leslie Co., Inc. almost exclusively as "Birdie", "the Birdie jacket company", "Birdie jackets" and the like. In my experience, "Birdie" and Richard A. Leslie Co., Inc. were synonymous.

I swear under penalty of perjury that the foregoing is true and correct, except as to those statements made upon information and belief, which I believe to be true and correct.

Jules Braun

Date: 09/05/2007